

### **REMARKS**

Claims 1, 3-7, 10-13, 18, 20, 21, 23, 24, and 26-35 are pending in the application. Claims 1, 3-7, 10 11, 13, 18, 20, 21, 23, 24, 26-28, and 30-35 are allowed, and claims 12 and 29 are rejected. New claim 36 is added.

Claim 12 stands rejected under 35 U.S.C. §102(e) as being unpatentable over Thacker (U.S. 7,099,718). Claim 29 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Thacker in view of Williams. An affidavit timely filed by the Applicant will establish, under 37 CFR 1.131, an invention date of the pending claims prior to the filing dates of both Thacker and Williams, thereby removing the references as prior art.

The United States Patent & Trademark Office (USPTO) objected to the declaration filed with the present application. Specifically, the USPTO asserts that the declaration does not comply with 37 CFR §1.63 (a). Applicant asserts that the submitted declaration is in compliance with 37 CFR §1.63, as defined in 37 CFR §1.56. Specifically, the submitted declaration states that the inventors "acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations Section 1.56(a)." This language (as used in applicant's declaration) was specified by the USPTO and was widely used prior to the 1992 amendment of 37 CFR 1.63(b).

The USPTO explicitly stated that the pre-1992 oaths comply with the now used language and would continue to be accepted by the Office. In its affirmation, the USPTO stated:

"Reply: The averments in oath or declaration forms presently in use that comply with the previous § 1.63 or § 1.175 will also comply with the requirements of the new rules. Therefore, the Office will continue to accept the old oath or declaration forms as complying with the new rules." See, 57 FR 2034 (emphasis added).

Therefore, applicant respectfully requests withdrawal of the objection to the declaration."

There being no further outstanding objections or rejections, it is submitted that all claims are in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining, the Examiner is requested to telephone the undersigned attorney to attend to those matters.

Respectfully submitted,

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Date

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